

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Linda P. Sweeney a/k/a Linda Porr-Sweeney
Joseph V. Sweeney Jr.
Debtor(s)

M&T Bank
Movant
vs.

Linda P. Sweeney a/k/a Linda Porr-Sweeney
Joseph V. Sweeney Jr.
Debtor(s)

Christine C. Shubert
Trustee

CHAPTER 7

NO. 22-11923 PMM

11 U.S.C. Section 362

**MOTION OF M&T Bank
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is M&T Bank.
2. Debtor(s) is/are the owner(s) of the premises 177 River Drive, Lancaster Twp, PA 17603, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$838,700.00 on the mortgaged premises that was executed on April 26, 2010.
4. Christine C. Shubert, is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 7 Petition in Bankruptcy by the Debtor(s).
6. Debtor(s) has/have failed to make the monthly mortgage payments in the amount of \$7,382.36 for the months of August 2022 through October 2022 plus late charges if applicable, on the mortgage subsequent to the filing of the Bankruptcy Petition.
7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred legal fees and legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The total amount necessary to reinstate the loan post-petition is \$22,147.08 (plus attorney's fees & costs).

9. The total payoff on the loan is \$1,047,169.56.

10. According to the debtor's schedules the property value is \$1,200,000.00.

11. According to the debtor's schedules, the property is also subject to a second mortgage in favor of First Choice Bank in the amount of \$300,000.00.

12. Movant is entitled to relief from stay for cause.

13. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Denise Carlon, Esq.

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